

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 23-6283 PA (ASx)	Date	October 25, 2023
Title	Roann Celis-Capistrano v. Elaine Angelica Linga		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Kamilla Sali-Suleyman	Not Reported		N/A
Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

Proceedings: IN CHAMBERS - COURT ORDER

On September 15, 2023, the Court issued an Order Scheduling Meeting of Counsel and Setting Scheduling Conference (“Order Setting Scheduling Conference”), which set a Scheduling Conference for October 30, 2023. The Order Setting Scheduling Conference warns: “The failure to submit a joint report in advance of the Scheduling Conference or the failure to attend the Scheduling Conference may result in the dismissal of the action, striking the answer and entering a default, and/or the imposition of sanctions.” The Order Setting Scheduling Conference requires the parties to “meet at least twenty-one (21) days in advance of the Scheduling Conference to prepare a jointly signed report for the court to be submitted no less than fourteen (14) days before the Scheduling Conference.”

On October 24, 2023 – six days prior to the Scheduling Conference – plaintiff filed a document entitled “Plaintiff’s Portion of Joint FRCP Rule 26(f) Report.” (Docket No. 33.) Plaintiff’s filing did not address the late filing and did not contain a declaration of counsel explaining the reasons for the failure of the parties to meet and confer and to file a jointly signed report as required by the Court’s Order Setting Scheduling Conference. Defendant did not submit any document in response to the Court’s Order Setting Scheduling Conference. Accordingly, the Court orders plaintiff’s and defendant’s counsel to show cause in writing why counsel should not be sanctioned in an amount up to \$1,000.00 for failing to participate in the drafting and signing of the joint 26(f) report. Counsel’s responses to this order to show cause shall be filed by no later than **October 30, 2023**. The Court also orders that the parties meet and confer and to file a joint signed report as specified in the Order Setting Scheduling Conference by no later than **October 30, 2023**. The Court continues the Scheduling Conference set for October 30, 2023 to **November 13, 2023** at 10:30 a.m. . Failure to meet and confer, file a joint report or attend the Scheduling Conference may result in the dismissal of the action and/or counterclaims, striking the answers and entering defaults, and/or the imposition of sanctions.

Moreover, Local Rule 83-1.3 provides that it “shall be the responsibility of the parties to promptly file a Notice of Related Cases whenever two or more civil cases filed in this District:

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(a) arise from the same or a closely related transaction, happening, or event; (b) call for determination of the same or substantially related or similar questions of law and fact; or (c) for other reasons would entail substantial duplication of labor if heard by different judges.” Local Rule 83-1.3 also states that the Notice of Related Cases “must be filed at the time any case (including a notice of removal or bankruptcy appeal) appearing to relate to another is filed, or as soon thereafter as it reasonably should appear that the case relates to another.”

Here, the Plaintiff did not file a Notice of Related Case and the Civil Cover Sheet filed by Plaintiff answered “No” to the questions asking if there is a related or identical case despite Plaintiff having previously filed a nearly identical action in Case No. CV 23-843 (PD). (Docket No. 2.)

Plaintiff and Plaintiff’s counsel are ordered to show cause why they should not be sanctioned up to \$2,000.00 for failing to file a Notice of Related Case as required by Local Rule 83-1.3 and for failing to identify this action as identical or related to Case No. CV 23-843 (PD) on the Civil Cover Sheet. Responses to this Order to Show Cause shall be filed no later than **November 6, 2023**.

IT IS SO ORDERED.